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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,531	03/11/2004	Toru Takeuchi	42530-6900	8497
21611	7590	01/27/2006		
SNELL & WILMER LLP 600 ANTON BOULEVARD SUITE 1400 COSTA MESA, CA 92626			EXAMINER MORRISON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,531

Applicant(s)

TAKEUCHI, TORU

Examiner

Thomas A. Morrison

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-21 is/are allowed.
- 6) ☒ Claim(s) 1,4-7,9 and 12 is/are rejected.
- 7) ☒ Claim(s) 2,3,8 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ✓ 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9, this claim currently depends from itself (i.e., claim 9). As such, it is unclear what limitations are included in claim 9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,676,366 (Polidoro) in view of U.S. Patent No. 6,361,039 (in't Zandt et al.).

Regarding claim 1, Figs. 2-3 of the Polidoro patent shows a banknote moving system, comprising:

a banknote storing unit (3) for being removably positioned within a banknote receiving unit (25), the banknote storing unit (3) having a storing section and receiving a banknote from the banknote receiving unit (25);

a mover unit (including 6) for moving the received banknote into the storing section of the storing unit (3), the mover unit (including 6) moving between a standby position (Fig. 3) and a moved position (Fig. 2);

a mover driving unit (including 28) for operating the mover unit (including 6) in a reciprocating manner between the standby position (Fig. 3) and the moved position (Fig. 2);

a rotating driving unit (1) for selectively operating the mover driving unit (including 28) by applying a rotating force in one of a clockwise direction and a counter clockwise direction;

a controlling unit (29) for receiving a standby condition signal and a moved position signal and producing a driving direction command signal for selectively operating the rotating driving unit (1) in one of a clockwise direction and a counter clockwise direction.

Also, the Polidoro patent shows a position detecting unit (30) for producing a standby condition signal and a moved position condition signal. However, this detecting unit (30) is a single sensor that detects the standby position as well as the moved position, rather than separate standby position and moved position detecting units as claimed.

Regarding claim 4, Figs. 2-3 of the in't Zandt et al. patent show a banknote moving system, comprising:

a banknote receiving unit (25) for receiving a banknote;

a banknote storing unit (3) for being removably positioned within the banknote receiving unit (25), the banknote storing unit (3) having a storing section and receiving the banknote from the banknote receiving unit (25);

a mover unit (including 6) for moving the received banknote into the storing section of the storing unit (3), the mover unit (including 6) moving between a standby position (Fig. 3) and a moved position (Fig. 2);

a mover driving unit (including 28) for operating the mover unit (including 6) in a reciprocating manner between the standby position (Fig. 3) and the moved position (Fig. 2);

a rotating driving unit (1) for selectively operating the mover driving unit (including 28) by applying a rotating force in one of a clockwise direction and a counter clockwise direction; and

a controlling unit (29) for receiving the standby condition signal and the moved position condition signal and producing a driving direction command signal for selectively operating the rotating driving unit (1) in one of a clockwise direction and a counter clockwise direction.

Also, the Polidoro patent shows a position detecting unit (30) for producing a standby condition signal and a moved position condition signal. However, this detecting unit (30) is a single sensor that detects the standby position as well as the moved position, rather than separate standby position and moved position detecting units as claimed.

With regard to independent claims 1 and 4, the in't Zandt et al. patent discloses that it is well known to provide a sheet handling device with a controller and separate standby position and moved position detecting units (50 and 59), e.g., in order to positively detect when a mover member (16) reaches each of the different positions, as shown in Fig. 4 of the in't Zandt et al. patent. See also column 6, line 9 to column 7, line 12 of the in't Zandt et al. patent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the Polidoro patent with separate standby position and moved position detecting units in order to positively detect each of the different positions of the mover unit with more accuracy, as shown in Fig. 4 of the in't Zandt et al. patent.

Regarding claim 5, Figs. 2-3 of the Polidoro patent show that the mover unit (including 6) further comprises a left mover (15) disposed adjacent to a moving passageway; and a right mover (16) disposed adjacent to the moving passageway and opposite from the left mover (15), wherein the left mover (15) and the right mover (16) cooperate to move the received banknote along a pushing passageway into the storing section.

Regarding claim 6, column 1, line 24 discloses that the rotating driving unit (1) can be a motor.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,676,366 (Polidoro) in view of U.S. Patent No. 6,361,039 (in't Zandt et al.) as applied to claim 4 above, and further in view of U.S. Patent Publication No. 20030127790. The combination of the Polidoro patent and the in't Zandt et al. patent discloses most of the limitations of claim 7. In fact, the Polidoro patent discloses a mover driving unit (including 28) that has a plurality of moving parts (28 and 13) for conducting rotational force between the rotating driving unit (1) and the mover unit (including 6), but the mover driving unit (including 28) does not have a plurality of gears, as claimed.

Figs. 5-6 of U.S. Patent Publication No. 20030127790 show that it is well known to provide a sheet receiving system with a mover driving unit (including 131, 132 and 133) including a plurality of gears (near 132 in Fig. 5) for conducting a rotational force between a rotating driving unit (131) and a mover unit (143). The numbered paragraphs [0004] and [0005] explain that such an arrangement with gears overcomes the problem of wrinkling and jamming of paper that is associated with conventional mover units operated via eccentric mechanisms. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the Polidoro device with a mover driving unit that has gears in order to avoid wrinkling and jamming of paper received in the Polidoro device, as taught by numbered paragraphs [0004] and [0005] of U.S. Patent Publication No. 20030127790.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,676,366 (Polidoro) in view of U.S. Patent No. 6,361,039 (in't Zandt et al.) as applied to claim 1 above, and further in view of U.S. Patent No. 5,861,320 (Shiraishi). The combination of the Polidoro patent and the in't Zandt et al. patent discloses most of the limitations of claim 12. In fact, the in't Zandt et al. patent discloses a standby position detecting unit (50), but does not specifically state that the standby position detecting unit has a light-emitting element and a photo acceptance element, as claimed.

Fig. 1a of the Shiraishi patent shows that it is well known to use a position detecting unit that has a light emitting element (1a), a photo acceptance element (5a) with parallel optical axis (i.e., axis of beam down through 5b parallel to beam up and into 5a on right-hand side of 5a) and an optical guide unit (4a) that reverses the direction of light from the light-emitting element (1a) to the photo acceptance element (5a). Column 2, lines 60-67 explain that such a sensor arrangement realizes high position detection precision. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the Polidoro apparatus as modified by the in't Zandt et al. patent with a position detecting unit that has a light-emitting element and a photo acceptance element, in order to realize high position detection precision, as taught by the Shiraishi patent.

Response to Arguments

5. Applicant's arguments with respect to independent claims 1 and 4 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

6. Claims 14-21 are allowed. Claims 2-3, 8 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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